

REMARKS

Claims 1, 2, 4-11, and 13-21 are currently pending in the subject application. Claims 1, 10, 16, and 19 are independent. FIG. 2 has been amended. Support for the amendments to FIG. 2 may be at least found, e.g. in paragraphs [0032] and [0033] of the originally filed application.

A. Introduction

In the outstanding Office action:

1. the drawings were objected to under 37 C.F.R. § 1.83(a) as they must show every feature of the invention specified in the claims;
2. claims 1, 2, 4-11, and 13-21 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; and
3. claims 1, 2, 4-11, and 13-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0177267 to Orava et al. (“the Orava et al. reference”) in view of U.S. Patent No. 5,644,576 to Bauchot et al. (“the Bauchot et al. reference”) and U.S. Patent No. 7,050,789 to Kallio et al. (“the Kallio et al. reference”), and further in view of U.S. Patent No. 5,708,655 to Toth et al. (“the Toth et al. reference”).

B. Objection to the Drawings

In the outstanding Office action, the drawings were objected to under 37 C.F.R. § 1.83(a) as they must show every feature of the invention specified in the claims. Applicants have amended FIG. 2 so that claim limitations of “simultaneously transmitting a plurality of addresses included in the temporary address set to the wireless terminal”, “simultaneously receive a plurality of temporary addresses included in the temporary address set,” and “a plurality of temporary addresses included in the encoded temporary address set is simultaneously transmitted to the wireless terminal” are now shown. No new matter has been added. Therefore, it is respectfully requested that this objection be withdrawn.

C. Asserted Rejection of Claims 1, 2, 4-11, and 13-21 under 35 U.S.C. § 112, First Paragraph

In the outstanding Office action, claims 1, 2, 4-11, and 13-21 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully disagree with the Office action assertion and request reconsideration for at least the following reasons.

The Office action asserts that no support is found in the original disclosure of claim limitations of “create...simultaneously receive/transmit a plurality of temporary addresses included in the temporary address set,” and “create...a plurality of temporary addresses included in the encoded temporary address set is simultaneously transmitted to the wireless terminal” cited in claims 1, 10, 16, and 19.

Applicants respectfully disagree with the Office action assertion, as support for the simultaneous transmission/reception of a plurality of temporary addresses included in the temporary address set is implicitly provided by the specification. Such implicit support may be found at least at paragraphs [0032] and [0033] of the published application, which, in a non-limiting example, states in part:

In the temporary address set generation step 23, the wireless access node 11 randomly transforms the unique MAC address MAC Addr1 of the first wireless terminal 13 contained in the authentication request message Authentication_Req, and creates a temporary address set consisting of N temporary addresses corresponding to the unique MAC address, wherein N is preferably an integer greater than or equal to two (process 35 of FIG. 3).

In the temporary address set transmission step 24, the temporary address set created in the wireless access node 11 is encoded using the encryption key created in the authentication step 22, and then is transmitted to the first wireless terminal 13 using the unique MAC address MAC Addr1 of the first wireless terminal 13 as the destination address (process 36 of FIG. 3).

According to paragraphs [0032] and [0033], the wireless access node 11 creates a temporary address set consisting of N temporary addresses corresponding to the unique MAC address, and the temporary address set created in the wireless access node 11 is transmitted to the first wireless terminal 13. It is natural that the transmission (or reception) of a temporary address set itself created in the wireless access node 11 means to simultaneously transmit (or receive) N temporary addresses included in the temporary address set.

Still further, MPEP 2163.04 states the following regarding a written description rejection:

A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. See, e.g., In re Marzocchi, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). The examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. Wertheim, 541 F.2d at 263, 191 USPQ at 97.

In addition, MPEP 2163I.B. states the following regarding a written description rejection of a new or amended claim:

While there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure.

Thus, there is no requirement that an amended claim be literally supported by the specification, but rather support may alternatively be through implicit or inherent disclosure.

Consequently, implicit support is provided in the present specification for “simultaneously transmission/reception of N temporary addresses included in the temporary address set” as recited for example in claim 1. In order to establish that the claims as recited fail to comply with the written description requirement, applicants submit that the Office must provide a particular reason or evidence as to why a person skilled in the art would not

have reasonably concluded that the inventors had possession of the claimed embodiments in view of the arguments made here. Otherwise, the rejection of claims 1-2, 4-11, and 13-21 for lack of written description should be withdrawn.

D. Asserted Obviousness Rejection of Claims 1, 2, 4-11, and 13-21

In the outstanding Office action, claims 1, 2, 4-11, and 13-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Orava et al. reference in view of the Bauchot et al. reference and the Kallio et al. reference, and further in view of the Toth et al. reference. This rejection is respectfully traversed for at least the reasons set forth below.

All of the independent claims require, in part, creation of a temporary address set by randomly transforming a unique Media Access Control (MAC) address of a wireless terminal and transmitting that set to the wireless terminal. As noted, for example, in paragraph [0036] of the published application, and illustrated in process 36 of FIG. 3, this **set** is for **each** MAC address.

Even assuming, *arguendo*, that the combination of all four references is proper, which it is not, any combination thereof still would not suggest, much less disclose, all of the limitations of the independent claims, as set forth in detail below.

In the Examiner's response to arguments, the disclosure in the Orava et al. reference regarding arranging temporary MAC addresses and using several MAC addresses at a time was noted. Further, the disclosure in the Bauchot et al. reference that temporary MAC addresses may be generated using a stream of random bits was noted.¹ While the Orava et al. reference and the Bauchot et al. reference may disclose generating a stream of random bits from which a temporary MAC address may be selected, neither of these cited references suggests, much less discloses, transmitting any **set** of these to the wireless terminal. Instead, in the Orava et al. reference, a single temporary MAC address may be generated in either the

¹ *Office action mailed February 18, 2009, page 7.*

terminal or the access node for each service,² and in the Bauchot et al. reference, the register for such generation is in the wireless terminal itself.³ The Kallio et al. reference also fails to provide such a suggestion. Thus, at most, any transmission in this combination would be that disclosed in the Orava et al. reference, in which only a single temporary MAC address is transmitted, not transmission of a temporary **set**, as recited in the independent claims.

Further, all of the independent claims recite, in part, that data packet transmission is performed using a temporary address selected from the temporary address **set**. This may be seen, for example, in operations 37 and 38 of original drawing FIG. 3. Such selecting of a temporary address from the stored **set** allows each data packet to have different destination/source addresses, without generating another temporary MAC address.⁴

In contrast, as none of the applied references suggest, much less disclose, sharing a temporary address **set** for each MAC address between a wireless terminal and an access node, none of the applied references suggest, much less disclose, selecting from such a temporary **set**. At most, this combination would suggest generating a new temporary MAC address for each service, not selecting from a common **set** of temporary MAC addresses, as recited in all of the independent claims.

Therefore, it is respectfully submitted that the references, whether alone or in combination, fail to suggest, much less disclose, all of the limitations in independent claims 1, 10, 16, and 19. The remaining rejected claims depend, either directly or indirectly, from respective one of these independent claims, and are similarly believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that this rejection be withdrawn.

² See, e.g., the Orava et al. reference, paragraphs [0062] and [0069].

³ See, e.g., the Bauchot et al. reference, col. 15, line 66 to col. 16, line 2.

⁴ See, e.g., paragraphs [0041], [0048], and [0050] of the published application.

E. Verified English Translation

A verified English translation for the Korean Patent Application No. 2002-39155, a certified copy of which was filed July 7, 2003, will be filed shortly. The priority document has a filing date of July 6, 2002, which predates the effective date of the Orava et al. reference, which was filed in the U.S. on December 5, 2002. Therefore, it is respectfully submitted that the Orava et al. reference is not a proper reference under 35 U.S.C. § 102(e).

F. Conclusion

The above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome them. However, while these remarks may refer to particular claim elements, they are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied art. Accordingly, applicants respectfully submit that the claims are allowable for reasons including, but not limited to, those set forth above, and patentability of the claims does not depend solely on the particular claim elements discussed above.

The remaining documents cited in the Office action were not relied on to reject the claims. Therefore, no comments concerning these documents are considered necessary at this time.

In view of the foregoing, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

Respectfully submitted,

LEE & MORSE, P.C.

Date: August 18, 2009



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Attached:

Verified English Translation to follow
Petition for Extension of Time

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.

AMENDED SHEET

FIG. 2

